Rule AT-3. The motions filed by Plaintiffs counsel were so obviously an abuse of the judicial process that Plaintiff's counsel was under an obligation to this Court and the State of Texas to refrain from filing the frivolous and legally baseless documents.

The Court has the inherent power to impose sanctions as articulated in *Toon v. Wackenhut Corrections Corp.,* 250 F.3d 950 (5th Cir. 2001). The Court finds that both Plaintiff and Plaintiffs counsel have exemplified bad faith in pursuing this present cause of action. *See Goldin v. Bartholow,* 166 F.3d 710, 722 (5th Cir. 1999). The claims alleged in Plaintiffs state court petition, Plaintiff's Motion to Remand, Plaintiffs Motion to Grant Unopposed Motion to Remand, and Plaintiff's Motion for Recusal are so obviously factually and legally baseless that the Court finds they are collectively an illustration of bad faith. Therefore, the Court is justified in exercising its inherent powers to sanction both the Plaintiff and his counsel.[2]

There is no constitutional right of access to the courts to prosecute an action that is frivolous, malicious, or pursued for the sole purpose of harassing another. *Villar* v. *Crowley Maritime Corp.,* 90 F.2d 1489, 1499 (5th Cir. 1993). As a general matter, the Court is authorized to enjoin further filings without leave of Court when necessary to deter vexatious filings that are merely a flagrant abuse of the judicial process. *Kaminetzky* v. *Frost National Bank of Houston, et. al.,* 881 F.Supp. 276,277 (S.D. Tex 1995). The Supreme Court of the United States' has recognized that courts may take injunctive action to prevent frivolous filings. *See generally In re McDonald,* 489 U.S. 180 (1989). This Court finds the filings of the Plaintiff and his counsel in this matter to be vexatious filings that the flagrant abuse

2. Given the conduct of Plaintiffs counsel, the Court believes that a show cause hearing would be ineffective and a waste of judicial resources.

of judicial process and deserving of sanctions. The Court recognizes that the resources of the federal court system and federal government should and must be protected from this type of abuse and waste. Thus, as a sanction, Plaintiff Leo Rogers Dugas and Plaintiff's counsel, Hugh T. Echols, Sr. shall be required to pay, jointly and severally, sanctions in the amount of Two Hundred and Fifty and no/1 00 Dollars ($250.00),[3] to be payable within thirty (30) days of this judgment to the Clerk, United States District Court, Beaumont Division for deposit into the Treasury of the United States in accordance with 28 U.S.C. § 751. Plaintiff and his counsel shall also be enjoined from filing any further action, complaint, or motion in the United States District Court of the Eastern District of Texas without first paying the sanctions ordered, and obtaining leave from the Chief Judge of the United States District Court of the Eastern District of Texas.

CONCLUSION

IT IS THEREFORE ORDERED THAT
Plaintiff's Motion for Recusal of District Judge Ron Clark [Doc. #9] is DENIED.
Plaintiff's Motion to Remand [Doc. #4] is DENIED.
Plaintiff's Motion to Grant the Unopposed Motion to Remand [Doc. #8] is DENIED.
Defendant's Motion to Dismiss [Doc. #2] is GRANTED.

3. Plaintiff asks the Court to take judicial notice of the nominal costs for defending a removal action and suggests to the Court that $1,200.00 is reasonable. *See* Pl.'s Mot. to Grant Unopposed Mot. to Remand and Request for Cost [Doc. #8]. Plaintiff and his counsel are hardly in a position to complain about the $250.00 sanction ordered given their position in Doc. #8.

The Court FURTHER ORDERS the following sanctions:

1.) Plaintiff Leo Roger Dugas and Plaintiff's counsel Hugh T. Echols, Sr. are ordered to pay, jointly and severally, $250 to the Clerk, United States District Court, Beaumont Division no later than May 14, 2004;

2.) That Plaintiff Leo Rogers Dugas and Plaintiffs counsel Hugh T. Echols, Sr. are hereby ENJOINED from filing any further action or complaint in the United States District Court of the Eastern District of Texas without first paying the sanctions ordered, and obtaining leave from the Chief Judge of the United States District Court of the Eastern District of Texas; and

3.) Any new complaint or action which Leo Roger Dugas or Hugh T. Echols, Sr., wish to file in the United States District Court for the Eastern District of Texas shall be accompanied by a Motion for Leave to File and it shall not be docketed until the Motion for Leave to File is granted by the Chief Judge.

SO ORDERED.

SIGNED this 13th of April, 2004.

"s/_____"
Ron Clark
US District Court Judge